

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 1 and 22-24 have been amended. Support for the claim amendments is found in the originally-filed specification in at least paragraphs [0124] and [0178]. Claim 2 has been canceled. Claims 1 and 21-30 are now pending in the application. The rejections are respectfully submitted to be obviated in view of the amendments and remarks presented herein.

Objection to the Specification

The abstract of the disclosure has been objected to because of minor informalities. Applicants have editorially amended the abstract and now provides such within a single paragraph. Accordingly, withdrawal of the objection to the specification is respectfully requested.

Rejection under 35 U.S.C. § 102(e)

Claims 1, 21-23 and 29 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Tsurumi et al. (U.S. Patent Application Publication No. US 2004/0062179; hereinafter "Tsurumi"). The rejection is respectfully traversed.

Regarding claim 1, claim 1 recites an optical recording medium comprising:

a data recording layer which is provided to record contents data upon irradiation of an optical beam, and

a visual information recording layer including

a visual information recording area provided for recording only visual information, which is visually recognizable, by irradiating the optical beam; and

a visual information management area where first recording layer information is previously recorded so as to be readable,

wherein the visual information recording layer is formed on a side opposite to the data recording layer, and

the first recording layer information includes information indicating that the layer where the first recording layer exists is the visual information recording layer and at least one of visual information management information indicative of presence or absence of record of visual information onto the visual information recording area and the area information indicative of the recordable area of the visual information on the visual information recording area.

Tsurumi discloses an optical disc recording apparatus which can form a visible image on an optical disc, in which a laser beam irradiation position is controlled so that data recording is conducted starting from the inner peripheral side of the optical disc, and visible-image formation is conducted starting from the outer peripheral side of the optical disc (see Abstract). Tsurumi thus is capable of forming the visible image at any time irrespective of the progress status of data recording (paragraph [0005]).

In Tsurumi, the data is recorded on the optical disc during an interval between the image being formed on one of a plurality of virtually-partitioned areas of the optical disc and the image being formed on another of the plurality of virtually-partitioned areas of the optical disc (paragraph [0013]).

Tsurumi's optical disc is very different than the optical recording medium as recited by claim 1, and Tsurumi clearly fails to teach or suggest, *inter alia*, "wherein the

visual information recording layer is formed on a side opposite to the data recording layer, and the first recording layer information includes information indicating that the layer where the first recording layer exists is the visual information recording layer and at least one of visual information management information indicative of presence or absence of record of visual information onto the visual information recording area and the area information indicative of the recordable area of the visual information on the visual information recording area,” as recited by claim 1.

Tsurumi does not teach or suggest a visual information recording layer formed on a side opposite to a data recording layer. In fact, the Examiner concedes on page 3 of the Office Action that Tsurumi’s recording layer (202) is also used as a visual information recording layer. Tsurumi also does not teach or suggest a first recording layer information which includes information indicating that the layer where a first recording layer exists is the visual information recording layer. Tsurumi further does not teach or suggest the first recording layer information which also includes at least one of (1) visual information management information indicative of presence or absence of record of visual information on the visual information recording area and (2) the area information indicative of the recordable area of the visual information on the visual information recording area. Although Tsurumi discloses a “special area,” the information recorded within the “special area” does not include all that which is claimed (in relation to the first recording layer information), as recited by claim 1.

Accordingly, claim 1 is patentably distinguished over Tsurumi. Claims 21-23 and 29 are dependent claims which are also patentably distinguished over Tsurumi at least in view of their dependencies as well as for their additionally recited elements.

Reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e) are respectfully requested.

Rejection under 35 U.S.C. § 102(b)

Claims 1, 24, 25, 29 and 30 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Morishima et al. (U.S. Patent Application Publication No. US 2003/0117932; hereinafter "Morishima"). The rejection is respectfully traversed.

Morishima discloses an optical disc recording apparatus that can form a visible image on the face of an optical disc. Morishima's optical disk includes a recording layer (recording face (202), and a photosensitive layer (thermo sensitive face) (205) which is a face that is discolored when irradiated by a laser beam omitted by an optical pickup (paragraphs [0081] and [0082]).

Regarding claim 1, Morishima fails to teach or suggest, *inter alia*, "the first recording layer information includes information indicating that the layer where the first recording layer exists is the visual information recording layer and at least one of visual information management information indicative of presence or absence of record of visual information onto the visual information recording area and the area information indicative of the recordable area of the visual information on the visual information recording area," as recited by claim 1.

Although Morishima discloses a disk ID which is recorded to the thermo sensitive face (205) and which is read by tracing the laser irradiation position of an optical pickup (10) along the outermost edge of the optical disk (paragraph [0113]), neither Morishima's disk ID, nor any information represented by reflective regions (301a) and non-reflective regions (301b), teaches or suggests a first recording layer information which includes

information indicating that the layer where a first recording layer exists is the visual information recording layer, and further includes at least one of (1) visual information management information indicative of presence or absence of record of visual information on the visual information recording area and (2) the area information indicative of the recordable area of the visual information on the visual information recording area.

Accordingly, claim 1 is patentably distinguished over Morishima. Claim 24 is a related apparatus claim, and is also patentably distinguished over Morishima for analogous reasons as discussed above. Claims 25, 29 and 30 are dependent claims which are also patentably distinguished over Morishima at least in view of their dependencies as well as for their additionally recited elements.

Reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b) are respectfully requested.

Rejection under 35 U.S.C. § 103(a)

Claim 26 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Morishima in view of Anderson et al. (U.S. Patent No. 6,778,205; "Anderson"). The rejection is respectfully traversed.

As discussed above, Morishima fails to teach or suggest every element of the claimed invention as recited by claim 24. Anderson does not remedy the deficiencies of Morishima.

The Examiner relies upon Anderson only for the alleged disclosure of a separate labeling write laser head (108b) and relies upon such for the alleged teaching of a data recording pickup that is different from a visual-information recording pickup. However, Anderson also fails to

teach or suggest, *inter alia*, “the first recording layer information includes information indicating that the layer where the first recording layer exists is the visual information recording layer and at least one of visual information management information indicative of presence or absence of record of visual information onto the visual information recording area and the area information indicative of the recordable area of the visual information on the visual information recording area,” as recited by claim 1.

Therefore, as neither Morishima nor Anderson, alone *or in combination*, teaches or suggests all that which is claimed in relation to the first recording layer information as recited by claim 24, Morishima in view of Anderson fails to teach or suggest every element as recited by claim 24. Claim 26 is a dependent claim which is also patentably distinguished over Morishima in view of Anderson at least in view of its dependencies as well as for its additionally recited elements.

Reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) are respectfully requested.

Claims 27 and 28 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Morishima in view of Anderson and further in view of Eguchi et al. (U.S. Patent No. 5,473,154; “Eguchi”). The rejection is respectfully traversed.

As discussed above, Morishima in view of Anderson fails to teach or suggest every element of the claimed invention as recited by claim 24. Eguchi does not remedy the deficiencies of Morishima and Anderson, either alone or in combination.

The Examiner relies upon Eguchi only for the alleged disclosure of a relationship between a wavelength of a laser beam and a numerical aperture (NA) of an objective lens. However, Eguchi also fails to teach or suggest, *inter alia*, “the first recording layer information includes information indicating that the layer where the first recording layer exists is the visual information recording layer and at least one of visual information management information indicative of presence or absence of record of visual information onto the visual information recording area and the area information indicative of the recordable area of the visual information on the visual information recording area,” as recited by claim 1.

Therefore, as none of Morishima, Anderson and Eguchi, either alone *or in combination*, teaches or suggests all that which is claimed in relation to the first recording layer information as recited by claim 24, Morishima in view of Anderson and further in view of Eguchi fails to teach or suggest every element as recited by claim 24. Claims 27 and 28 are dependent claims which are also patentably distinguished over Morishima in view of Anderson and further in view of Eguchi at least in view of their dependencies as well as for their additionally recited elements.

Reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) are respectfully requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Lenny R. Jiang/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER

Lenny R. Jiang
Registration No. 52,432

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